

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF OCTOBER 4, 2010

Being the first day of the October Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 4, 2010, in the Board Room on the first floor of the Chancery/Administrative Building, 125 W. North St., in Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Absent:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston
Tax Collector Kay Pace

None

Also in attendance:

Interim County Administrator and Zoning Administrator Brad Sellers
Comptroller and Deputy Chancery Clerk Quandice Green
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Engineer Rudy Warnock
County Purchase Clerk Hardy Crunk
County Fire Coordinator Mack Pigg
E911 Director Butch Hammack
County Road Manager Lawrence Morris
Chief Deputy Tax Assessor Kent Hawkins

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor John Bell Crosby led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Minutes From September 2010 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the September 2010 term, said meetings having been conducted on September 7, September 20, and September 30, 2010,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Minutes for the September 2010 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 4th day of October, 2010.

In re: Approval of Consent Agenda Items

WHEREAS, President Johnson did announce that he and Interim County Administrator Brad Sellers had conferred in advance of the meeting and reported that Items (2) through (26) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any of the aforesaid Items be removed from the Consent Agenda, and

WHEREAS, Mr. Paul Griffin requested that Item (22) be removed from the Consent Agenda and addressed separately, and

Therefore, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to take the following actions on the Consent Agenda:

2. **Approve Monthly Credit Card Report August 10 - September 10, 2010 - General County.**
(A true and correct copy of that certain memorandum dated September 23, 2010 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
3. **Approval of Change Order No. 5 - South Madison County Fire District No. 2 a/k/a Adam Weisenberger Memorial Fire Station.**
(A true and correct copy of that certain Change Order No. 5 in the amount of \$126,705.00 from Harris Constructors, Inc. is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
4. **Approve Location of Culvert Placements.**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
5. **Acknowledge September 2010 Monthly Report - Road Department.**
(A true and correct copy of the September 2010 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge September 2010 Closed Call Analysis - Road Department.**
(A true and correct copy of the September 2010 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Acknowledge October 2010 Service Call Schedule Report - Road Department.**
(A true and correct copy of the October 2010 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous

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Appendix to these Minutes.)

8. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and the applications for which may be found in the Miscellaneous Appendix to these Minutes:
 - (1) AT&T - seeking to place approximately 208' each of two cables and 149' of 2" conduit on Parkinson Road.
 - (2) AT&T - seeking to perform directional bore about 3450' and place about 3434' along Loring Road.
 - (3) AT&T - seeking to bore approximately 36' of buried service wire on West Side Lane.
9. **Acknowledge Building & Grounds Department Monthly Report.**
(A true and correct copy of said Report is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
10. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
11. **Approve Petitions for Increases of Assessments of Real Property for the 2010 Tax Year.**
(A true and correct copy of said Petitions, as accepted by the affected taxpayers, are attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
12. **Approve Amended Homestead Applications - 2010 Tax Year.**
(A true and correct copy of that certain memorandum dated September 28, 2010 from Homestead Director Emily Anderson setting forth each such amendment is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
13. **Approve Petition for Decrease of Assessment of Personal Property for the 2010 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
14. **Approve Refund Due to Incorrect Assessment of Parcel #072C-05B-014/00.00 for Tax Year 2009 and Direct the Clerk to Issue Pay Warrant to Christopher Glen and Beth M. Roebuck in the amount of \$654.26.**
(A true and correct copy of that certain explanatory memorandum dated September 29, 2010 from Chief Deputy Assessor Kent Hawkins is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
15. **Approve Changes in Taxing Districts to Reflect Final Judgement Entered on September 1, 2010, in Cause Nos. 1997-0857 Consolidated with 1998-0096 on the Docket of the Chancery Court of Madison County so as to Reflect the Annexation by the City of Jackson of the Richmond Grove Area.**
(A true and correct copy of that certain spreadsheet listing the various parcels affected is attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
16. **Approve Zoning Matter - Lynn Boykin Petition for Variance to Rear Setback Lot 243. Lake Lorman, Part C.**
(A true and correct copy of said Petition may be found in the Miscellaneous Appendix to these Minutes.)

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17. **Approve Madison County School District School Bus Turnaround List for 2010-2011.**
(A true and correct copy of that certain school bus turnaround list is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
18. **Acknowledge One Mill Levy Order from the Mississippi Department of Revenue.**
(A true and correct copy of that certain correspondence dated September 20, 2010 from the Mississippi State Tax Commission reflecting that the County has complied with the criteria set forth in Miss. Code Ann. §27-39-329(2)(b) and authorizing the County to expend the avails of the one mill levy is attached as Exhibit L, spread hereupon and incorporated herein by reference.)
19. **Acknowledge Certificate of Recapitulation and Order of the Department of Revenue Pertaining to the 2010 Real/Personal Assessments Rolls.**
(A true and correct copy of said Certificate and Order is attached hereto Exhibit M, spread hereupon and incorporated herein by reference.)
20. **Acknowledge and Approve Chancery Court Order Closing Chancery and Administrative Building for Canton Flea Market - October 14, 2010.**
(A true and correct copy of said Order is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference.)
21. **Approve and Adopt Certificate for Continued Implementation of Drug-Free Workplace Program.**
(A true and correct copy of that certain "Certificate of the County with Respect to Drug-Free Workplace Policy" is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
23. **Approve End of Fiscal Year Inventory Report.**
(A true and correct copy of the end of the fiscal year inventory report as of September 30, 2010 from Inventory Control Clerk Loretta Phillips is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.)
24. **Declare Certain Inventory Items as Surplus and Delete from Inventory.**
(A true and correct copy of that certain memorandum dated September 29, 2010 from Inventory Control Clerk Loretta Phillips listing the items to be deleted is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference.)
25. **Accept and Approve Audit Service Contract - Windham & Lacey, PLLC.**
(A true and correct copy of that certain explanatory memorandum from Comptroller Quandice Green recommending the Board award a two-year audit contract to Windham & Lacey, PLLC is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference. The terms of which are set forth in that certain "Proposal for Auditing Services" dated September 1, 2010, a true and correct copy which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference.)
26. **Approve Contract with DeltaCom and Authorize Board President to Execute.**
(A true and correct copy of that certain explanatory memorandum from Purchase Clerk Hardy Crunk recommending the Board approve the DeltaCom contract, is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials: _____

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the matter carried unanimously, and each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 4th day of October, 2010.

***In re: Acknowledgment of Statement of Support -
National Guard and Reserve***

WHEREAS, Supervisor Paul Griffin did openly express a desire to recognize the outstanding service rendered by members of the National Guard and Reserve do for our country and our community on a volunteer basis, and

WHEREAS, the Board does offer its appreciation to these individuals and their families for their continued dedication and service to our country,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to acknowledge and adopt that certain “Statement of Support for the National Guard and Reserve,” a true and correct copy of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference. Board President Tim Johnson then requested the Chancery Clerk to put the foregoing to a roll call vote being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the motion having received the affirmative vote of all of the members of the Governing Body, the President declared the motion carried and the Statement of Support was and is hereby so acknowledged and adopted.

SO ORDERED this the 4th day of October, 2010.

In re: Consideration of Establishing Just Compensation

WHEREAS, Right of Way Agent Woody Sample appeared before the Board and requested the Board establish just compensation for the acquisition of certain right of way in connection with the Petrified Forest Bridge Project, and

WHEREAS, the Board does desire to establish just compensation for Parcel 1 owned by Paula Lane and Louise Lane Ray in the amount of \$968.05 and Parcel 2 owned by RE Highland Colony, LLC in the amount of \$566.54 related to the Petrified Forest Bridge Project, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to establish just compensation on the aforementioned parcels as set forth above and authorize the Chancery Clerk to issue pay warrants accordingly. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

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the matter carried unanimously and just compensation was and is hereby established and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

SO ORDERED this the 4th day of October, 2010.

***In re: Approval of Contracts -
Central Mississippi Planning District***

WHEREAS, Mr. Larry Smith of Central Mississippi Planning District (CMPDD) appeared before the Board and presented two documents entitled “Amendment to Contract for Professional Services,” and “Contract for Professional and Technical Services Extension,” and requested the Board approve same, and

WHEREAS, true and correct copies of which are attached hereto as Exhibits V and W, respectfully, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Larry Smith reported that the scope of services as referenced in the “Contract for Professional and Technical Services Extension,” would be for a term beginning September 1, 2010 and ending on September 30, 2011 and the county would compensate CMPDD for work performed on a cost reimbursement basis not to exceed \$200,000.00,

WHEREAS, Mr. Larry Smith requested the Board approve said contracts and authorize the Board President to execute same,

Following discussion of the relevant terms and conditions of the contract by Mr. Hamer and the members of the Board, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the two contracts as referenced in Exhibits V and W, hereto, and authorize the Board President to execute same. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said contracts were and are hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 4th day of October, 2010.

***In re: Acknowledgment of Region 8 Mental Health -
Mental Retardation Commission’s Annual Report***

WHEREAS, Mr. Dave Vann, Director of Region 8 Mental Health appeared before the Board and presented the annual report for his agency, Region Mental Health-Mental Retardation Commission’s and further expressed his appreciation for the strong relationship between Madison County and Region 8,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of the aforementioned report, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President’s Initials: _____

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the matter carried unanimously and said report was and is hereby acknowledged.

SO ORDERED this the 4th day of October, 2010.

***In re: Consideration of Zoning Violations
on Property Located on Stump Bridge Road***

WHEREAS, Zoning Administrator Brad Sellers appeared before the board and advised that certain property owned by John Michael Proctor was in violation of certain provisions of the Madison County Zoning Ordinance and required clean up and/or legal action to rectify the same, and

WHEREAS, Mr. Sellers reported that a house under construction appears to have been abandoned and the building permit for said house has expired, and

WHEREAS, Mr. Sellers requested the Board authorize the Road Department to clean said property and authorize the cost of cleaning such be attached to the tax bill of said property,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to (1) find, adjudicate and determine that said property was and is in such a state of uncleanness as to be a menace to the public health and safety to the community, (2) authorize the Road Department proceed to have the land cleaned by cutting weeds and excessive growth, and (3) upon completion of such cleaning, assess the actual cost of cleaning said property and authorize the Tax Collector to attach such to the property tax bill. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting ¹
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said property was and is hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator and Road Manager were and are hereby directed to take necessary action to bring said property within compliance and to charge the expenses associated therewith to the property owner via the tax roll accordingly, to assess unto said taxpayer all fines and other penalties provided for in said ordinances and to take all necessary steps to enforce said ordinances including, if necessary, the institution of legal proceedings.

SO ORDERED this the 4th day of October, 2010.

***In re: Consideration of Zoning Violations
on Property Located on Stump Bridge Road***

WHEREAS, Zoning Administrator Brad Sellers appeared before the board and advised that certain property owned by Tucker Meeks and further identified on the land roll as parcel no. 104C-07-018/00.00 was in violation of certain provisions of the Madison County Zoning Ordinance and required clean up and/or legal action to rectify the same, and

WHEREAS, Mr. Sellers reported that there were two burned abandoned mobile homes on said property and did defer to the Board Attorney as to the legalities for removal of same,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to authorize the Board Attorney to review the available legal options for the removal of said

¹Mr. Banks excused himself from the meeting.

President's Initials: _____

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abandoned mobile homes from said property. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 4th day of October, 2010.

***In re: Consideration of Zoning Violations
on Property Located on Pine Tree Lane***

WHEREAS, Zoning Administrator Brad Sellers appeared before the board and advised that certain property owned by Roger Spence and further identified on the land roll as parcel no. - 071E-22-016/00.00 was in violation of certain provisions of the Madison County Zoning Ordinance and required clean up and/or legal action to rectify the same, and

WHEREAS, Mr. Sellers did report that he had been in discussions with Mr. Spence and Mr. Spence was willing to work with the county to clean said property to meet the zoning ordinance, and

WHEREAS, Mr. Sellers requested the Board allow Mr. Spence thirty (30) days to clean his property,

Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to grant Mr. Spence thirty (30) days to clean his property, but to assess the cost thereof unto Mr. Spence and authorize county forces to clean said property, should Mr. Spence not comply. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said property was and is hereby declared in violation of the zoning ordinances of Madison County and the Zoning Administrator and Road Manager were and are hereby directed to take necessary action to bring said property within compliance should Mr. Spence not, and to charge the expenses associated therewith to the property owner via the tax roll accordingly, to assess unto said taxpayer all fines and other penalties provided for in said ordinances.

SO ORDERED this the 4th day of October, 2010.

In re: Request to Place Camper in R2 Residential District

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Ms. FeNetha Young requesting permission to place a camper on her parent's property located at 162 Lake Castle Road, Madison County, Mississippi, and

WHEREAS, Ms. Young also appeared before the Board and reported that she would like to build a house on Hickory Lane in the next year or two, but this would allow her to save money for such,

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Following discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to authorize the placement of a camper on the subject property for a period of eighteen (18) months. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and Ms. Young was and is hereby authorized to place a camper on her parent's property with an eighteen (18) month limitation.

SO ORDERED this the 4th day of October, 2010.

In re: Request to Remove Excavated Material

WHEREAS, Zoning Administrator Brad Sellers appeared before the Board and presented a request from Mr. Arthur Noble requesting permission to excavate material from the lake in Charlton Place and delivering it to Grayhawk Subdivision and Reunion Subdivision, and

WHEREAS, a true and correct copy of that explanatory correspondence dated September 28, 2010 from Mr. Noble is attached hereto as Exhibit X, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to grant said request and allow Mr. Noble to excavate material of said site for a period of one (1) year from the date hereof. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said request was and is hereby granted subject to the condition aforesaid.

SO ORDERED this the 4th day of October, 2010.

***In re: Request to Waive Utility Permit Fee -
East Madison Water Association, Inc.***

WHEREAS, Mr. Arthur Tate of East Madison Water Association, Inc. (EMWA) appeared before the Board and requested the Board waive the utility permit fee required for utility permits sought by EMWA in Madison County, and

WHEREAS, Mr. Tate also requested the Board accept utility permits from East Madison Water Association in a non-digital format as EMWA does not have the capability to submit in a digital format as required by the County,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) accept the utility permits from EMWA in a non-digital format, and (2) waive the permit fees for East Madison Water Association, Inc. and (3) authorize the County Engineer and Board President to execute utility permits submitted by EMWA provided the hard copy permits are otherwise in order. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said permit fees were and are hereby waived, EMWA was and is authorized to submit utility permits in non-digital format, and the Board President and County Engineer were and are hereby so authorized.

SO ORDERED this the 4th day of October, 2010.

In re: Authorization of Board Attorney to Prepare Easement Documents

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a survey drawing for the abandonment of that certain right of way at the intersection of Weisenberger Road and Parkway East, a true and correct copy of said survey may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Warnock recommended that the Board authorize the Board Attorney to prepare the conveyance documents associated therewith,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) acknowledge receipt of the survey for abandonment of such right of way and (2) authorize the Board Attorney to commence abandonment proceedings associated therewith and prepare necessary conveyance documents. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and receipt of said survey was and is hereby acknowledged and the Board Attorney was and is hereby so authorized.

SO ORDERED this the 4th day of October, 2010.

In re: Approval of Change Order - Gluckstadt Road Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board approve that certain change order dated October 4, 2010 submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project, and

WHEREAS, Mr. Warnock reported that said change order reflected removal and replacement of speed limit signs to be contiguous with speed limits at a cost of \$264.00, as detailed on that certain document submitted by Southern Rock, LLC, a true and correct copy of which is attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve said change order as submitted by Southern Rock, LLC for the Gluckstadt Road Reconstruction Project at a cost of \$264.00 and authorize the Board President to execute same. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said change order was and is hereby approved and the Board President was and is hereby so authorized.

SO ORDERED this the 4th day of October, 2010.

***In re: Approval of Final Pay Request -
Gluckstadt Road Reconstruction Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain Final Pay Request from Southern Rock, LLC in the amount of \$2,311.73, a true and correct copy of which is attached hereto as Exhibit Z, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that Southern Rock, LLC has requested the County withhold \$2,952.27 from the balance of the retainage until the placement of speed limit signs has been completed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge that certain explanatory correspondence from Southern Rock, LLC requesting the county withhold \$2,952.27 from the balance of the final payment until the placement of speed limit signs has been completed. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said correspondence was and is hereby acknowledged.

SO ORDERED this the 4th day of October, 2010.

In re: Approval of Claims Docket for October 4, 2010

WHEREAS, the Board reviewed the claims docket for October 4, 2010;

WHEREAS, the Comptroller did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

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WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	1 to 131	131	602,285.18
002	1 to 3	3	3,606.31
012	1 to 12	12	18,739.84
014	1 to 1	1	2,464.57
051	1 to 1	1	47,508.47
095	1 to 2	2	53,292.46
096	1 to 1	1	4,409.01
097	1 to 18	18	44,350.82
105	1 to 10	10	43,230.70
114	1 to 1	1	998.28
115	1 to 6	6	1,041.47
116	1 to 2	2	329.70
119	1 to 1	1	100.00
120	1 to 4	4	143.79
121	1 to 2	2	329.43
150	1 to 18	18	80,321.72
160	1 to 8	8	46,056.87
170	1 to 1	1	2,250.00
180	1 to 3	3	159.50
190	1 to 13	13	7,684.41
226	1 to 3	3	592,119.65
302	1 to 6	6	503,752.61
304	1 to 1	1	3,745.00
401	1 to 1	1	10,210.42
690	1 to 2	2	49,733.06
691	1 to 2	2	49,633.53
TOTAL ALL FUNDS		253	2,168,496.80

HELD CLAIMS

Fund	Claim Nos.	Payee	Amount
001	90	MS Dept. of Environmental Quality	\$ 7,500.00
001	91	MS Dept. of Environmental Quality	\$ 8,437.50
001	92	MS Dept. of Environmental Quality	\$ 8,100.00
150	15	Warnock & Associates, LLC	\$ 102.50
150	15	Warnock & Associates, LLC	\$ 1,530.00
150	15	Warnock & Associates, LLC	\$ 582.50
302	04	Warnock & Associates, LLC	\$ 19,260.00
302	04	Warnock & Associates, LLC	\$126,000.00
302	04	Warnock & Associates, LLC	\$ 12,500.06
302	06	VCR, I	\$177,875.00

Thereafter and following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to approve the claims docket as presented, less and except the above noted held claims and adopt a separate resolution approving payment of said claims, which Resolution is attached hereto as Exhibit AA, spread hereupon, and incorporated herein by reference. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes, together said Resolution. The vote on the matter being as follows:

President's Initials:_____

Date Signed:_____

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said Claims Docket was and is hereby approved, less and except the aforesaid held claims, the Resolution adopted, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4th day of October, 2010.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve and pay the held claims of Mississippi Department of Environmental Quality in the amounts of \$7,500.00; \$8,437.50; and \$8,100.00, respectively, as set forth herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4th day of October, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and pay the held claims of Warnock & Associates in the amounts of \$102.50; \$1,530.00; \$582.50; \$19,260.00; and \$126,000.00, respectively, as set forth herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said Held Claims were and are hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 4th day of October, 2010.

Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to approve and pay the held claim of Warnock & Associates in the amount of \$12,500.06 as set forth herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

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the matter carried by a majority vote (4-1) of the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to a issue pay warrant accordingly.

SO ORDERED this the 4th day of October, 2010.

Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to approve and pay the held claim of VCR, I in the amounts of 177,875.00, as set forth herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (3-2) of the Board and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to a issue pay warrant accordingly.

SO ORDERED this the 4th day of October, 2010.

***In re: Adoption of Proclamation Prohibiting
Outdoor Burning in Madison County***

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested the Board issue a proclamation prohibiting outdoor burning in Madison County due to the extremely dry conditions the county is facing, and

WHEREAS, Mr. Pigg reported that in recent days the county had lost approximately 560 acres in one fire incident on Honeysucker Road, and

WHEREAS, the Board does deem it necessary to prohibit such burning for the entire county for the health and safety of the residents and protection of people and property,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to prohibit outdoor burning until further notice from the Mississippi Forestry Commission. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No

the matter carried by a majority vote (4-1) of the Board and said prohibition was and is hereby issued until further notice from the Mississippi Forestry Commission.

SO ORDERED this the 4th day of October, 2010.

In re: Acknowledgment of Order Appointing Public Defender

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented an Order from Circuit Court Judge William Chapman appointing Tom Rich, Esq. to the position of Madison County Public Defender vacated by Boty McDonald, Esq.,

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Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge said Order and appoint Tom Rich, Esq. as Madison County Public Defender. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said Order was and is hereby acknowledged and Mr. Rich was and is so appointed.

SO ORDERED this the 4th day of October, 2010.

***In re: Acknowledgment of Invoices Submitted by the
Parkway East Public Improvement District***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented invoice numbers 375 through 380 submitted by the Parkway East Public Improvement District and represented that, where applicable, County Engineer Rudy Warnock had verified quantities associated with each and that the same were in order and could be acknowledged by the Board, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of Parkway East PID invoice numbers 375 through 380, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said invoices were and are hereby acknowledged.

SO ORDERED this the 4th day of October, 2010.

***In re: Acknowledge Receipt of Funds and
Authorize Vehicle as Surplus***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
Anonymous Donor	\$ 150.00 (to drug fund)
Evercom	\$11,266.08
City of Ridgeland	\$ 2,630.54
City of Madison	\$ 2,356.61

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said checks. The vote on the matter being as follows:

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Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said checks were and are hereby acknowledged.

SO ORDERED this the 4th day of October, 2010.

Thereafter, Sheriff Trowbridge did further request that the Board declare a certain 2004 Pontiac GPR bearing VIN 2G2WP522141322856 as surplus and authorize sale at a public auction,

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) declare said vehicle as surplus, (2) authorize sale at a public auction, and (3) authorize the Board President to execute certificate of title conveying the same as necessary. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said vehicle was and is declared surplus, authorizes to be sold at auction and the Board President was and is so authorized.

SO ORDERED this the 4th day of October, 2010.

In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss potential litigation and right of way acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential litigation and right of way acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Comptroller and Deputy Chancery Clerk Quandice Green, County Engineer Rudy Warnock, Right of Way Agent Woody Sample, and Mr. Doug Minor, Esq. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President’s Initials:_____

Date Signed:_____

the matter carried unanimously and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 4th day of October, 2010.

In re: Entering into Executive Session

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to enter into Executive Session to discuss potential litigation and right of way acquisition. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and President Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 4th day of October, 2010.

During Executive Session, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to establish just compensation in an amount not to exceed a sum certain for acquisition of right of way on Parcel No. 3 as related to Hart Road Bridge Project and authorize Right of Way Agent Woody Sample to advise property owners of the aforementioned amount. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and just compensation was and is hereby established and Mr. Sample was and is hereby so authorized.

SO ORDERED this the 4th day of October, 2010.

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve a certain agreement between Madison County and St. Joseph Catholic Church regarding the acquisition of certain right of way from said church, a true and correct copy of which is attached hereto as Exhibit BB, spread hereupon and incorporated herein by reference, and (2) authorize the Board Attorney to make certain modifications to said agreement, and (3) authorize the Board President to execute said agreement once said changes are made. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

President's Initials: _____

Date Signed: _____

the matter carried unanimously and said agreement was and is hereby approved with certain modifications, the Board President and the Board Attorney were and are hereby so authorized.

SO ORDERED this the 4th day of October, 2010.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adjourn the Executive Session and announce to the public the action taken therein. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the action which was taken therein.

SO ORDERED this the 4th day of October, 2010.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor John Bell Crosby and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 20, 2010 at 9:00 a. m. for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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